

Practitioner's Docket No.: 889_001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jiro KANIE

Scr. No.: 10/826,165

Art Unit: 1618

Filed: April 16, 2004

Examiner: Young, Micah Paul

Conf. No.: 8549

For: ENTERAL NUTRITION PRODUCT AND METHOD FOR PREPARING THE
SAME

Attention: Office of Petitions
M.S. Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF EFS TRANSMISSION

I hereby certify that this paper is being transmitted via EFS to the
Patent and Trademark Office on April 20, 2007.


Gina M. Husak

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to the Final Office Action mailed July 20, 2006. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE:

A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

- ☒ Applicant claims small entity status. See 37 CFR 1.27
- ☐ Applicant claims other than small entity status.

1. Petition fee:

Petition fee of: \$750.00

- ☐ has been paid previously on _____.
☐ is enclosed herewith.
☒ was paid via EFS on Form PTO-875.

2. Reply and/or fee:

- A. Attached is a complete reply to the above-noted Office Action in the form of:
RCE (\$395.00)
Petition for Extension of Time (3 months)(\$510.00)
Amendment.

Reply fees of \$905.00

- ☐ have been paid previously on _____.
☐ are enclosed herewith.
☒ were paid via EFS on Form PTO-875.

- B. The issue fee and publication fee (if applicable) of \$ N/A.
☐ has been paid previously on _____.
☐ is enclosed herewith.
☐ were paid via EFS on Form PTO-875.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

20. April 2007
Date

Jiro KANIE
Signed by Jiro KANIE

Enclosures:

RCE w/Petition for Extension of Time (3 months)
Amendment